

# EXHIBIT 3

## Correspondence Appendix I

Date of Non-Compliance Letter	Law Firm
01/09/2007	The Lanier Firm
01/09/2007	Sieben Polk LaVerdiere & Dusich
01/10/2007	Baldwin & Baldwin
01/10/2007	Campbell Cherry Harrison Davis Dove
01/10/2007	McGarvey, Heberling, Sullivan & McGarvey
01/10/2007	Ward Black Law
01/10/2007	Zamler, Mellen & Shiffman
01/11/2007	Baron & Budd
01/11/2007	Climaco, Climaco, Lefkowitz, & Garofoli, Co.
01/11/2007	Crowley, Douglas & Norman
01/11/2007	David T. Cobb
01/11/2007	Doran & Murphy
01/11/2007	Ferraro & Associates LLP
01/11/200	Humphrey, Farrington & McClain
01/11/2007	Jeffrey A. Varas
01/11/2007	Kelley & Ferraro LLP
01/11/2007	LeBlanc & Waddell
01/11/2007	Michael H. Doran & Associates
01/11/2007	The Parron Firm
01/11/2007	Scott and Scott, LTD.
01/11/2007	Silber Pearlman
01/11/2007	Tayllor & Cire
01/11/2007	The Ferraro Law Firm
01/12/2007	Bevan & Associates
01/12/2007	The Bogdan Law Firm
01/12/2007	G. Patterson Keahey
01/12/2007	Hartley O'Brien
01/12/2007	Law Offices of Peter G. Angelos
01/12/2007	Levinson Axelrod
01/12/2007	Locks Law Firm
01/12/2007	Martin & Jones
01/12/2007	Michie, Hamlet, Lowry, Rasmussen & Tweel
01/12/2007	The Sutter Law Firm
01/12/2007	Wilentz, Goldman & Spitzer
01/14/2007	Rose, Klein & Marias
01/16/2007	Motley Rice LLC



January 9, 2007

**Via Federal Express**

Rust Consulting, Inc.  
201 South Lyndale Avenue  
Fairbault, MN 55021

Re: Case No. 01-1139 (JKF); In Re: W.R. Grace & Co., et al, Debtors;  
Chapter 11

To whom it may concern:

Enclosed please find our Certification in the above-referenced matter.

Please feel free to contact me with any questions or concerns that you may have.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Dixon', written over the typed name 'David A. Dixon'.

David A. Dixon

DAD/jdh

Enclosure

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

<b>IN RE:</b>	§	<b>CHAPTER 11</b>
	§	
<b>W.R. GRACE &amp; CO., ET AL.;</b>	§	<b>CASE NO. 01-1139 (JKF)</b>
	§	
<b>DEBTORS.</b>	§	<b>JOINTLY ADMINISTERED</b>
	§	
	§	<b>Re: Docket Nos.: 13702; 13784;</b>
	§	<b>13816; 13845; 13848; 13877;</b>
	§	<b>13879; 13881; 13883; 13889 &amp;</b>
	§	<b>14093</b>

**CERTIFICATION**

Pursuant to the December 22, 2006, Order issued by U.S. Bankruptcy Judge K. Fitzgerald, allow this to certify that it is not possible or reasonably practicable to obtain the certification described in Paragraph 2 of the Order for those clients represented by The Lanier Law Firm.

Dated: January 9, 2007

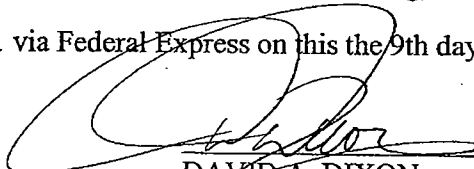
THE LANIER LAW FIRM, P.C.

By 

W. Mark Lanier, Esq.  
Texas State Bar No. 11934600  
Patrick N. Haines, Esq.  
Texas State Bar No. 00784191  
David A. Dixon, Esq.  
Texas State Bar No. 24001997  
6810 FM 1960 West  
Houston, Texas 77069  
(713) 659-5200

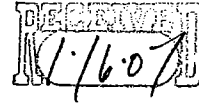
**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document has been forwarded to W.R. Grace & Co, by and through Rust Consulting, Inc., 201 South Lyndale Avenue, Fairbault, MN 55021 via Federal Express on this the 9th day of January, 2007.

  
\_\_\_\_\_  
DAVID A. DIXON



**Sieben Polk  
LaVerdiere  
& Dusich**  
PROFESSIONAL ASSOCIATION



January 9, 2007

999 Westview Drive  
Hastings, MN  
55033-2495  
(651) 437-3148  
FAX (651) 437-2732  
www.siebenpolklaw.com

◆★☆Michael R. Sieben  
◆★☆Michael S. Polk  
◆★☆Richard A. LaVerdiere  
☆Bernie M. Dusich  
☆Michael R. Strom  
John P. Sieben  
☆Scott J. Hertogs  
Joshua M. Tuschcherer  
Chad C. Alexander  
Matthew C. Kopp

Barbara Harding, Esq.  
Kirkland & Ellis, LLP  
655 15<sup>th</sup> Street NW, Suite 1200  
Washington, DC 20005-5793

**Re: W.R. Grace Bankruptcy – Minnesota Objections**

★Also admitted in Wisconsin

✔Certified as civil trial specialists  
by the National Board of  
Trial Advocacy and/or the  
Minnesota State Bar  
Association



◆ Selected by their peers as

**LEADING MINNESOTA  
ATTORNEYS**

Dear Counsel:

This letter accompanies our supplemental responses to the Grace Questionnaires being filed with Rust Consulting pursuant to your request and the court's recent orders.

Attached please find a summary of the x-ray status as it relates to the non-mesothelioma malignant claims.

On the list, you will note that our firm does have three original x-rays on three of those cases. We will make those original x-rays available to Grace for review as provided under the court's Order. Please note that there are three cases on which a chest x-ray is not relied upon for the diagnosis of underlying asbestos-related disease. In each of those cases, the basis is from the pathology report.

Of the remaining cases, we do not have an original x-ray. The clinics in Minnesota have traditionally not allowed us to obtain the original x-rays. However, it is my understanding that they will make the original x-ray available directly to another medical provider. Therefore, as provided for in the court's Order, enclosed are medical authorizations signed by each of the client's to allow Grace to communicate directly with the medical provider to obtain a review of the original x-ray.

Accompanying this letter are our supplemental responses to the Grace Questionnaires pursuant to the court's recent orders.

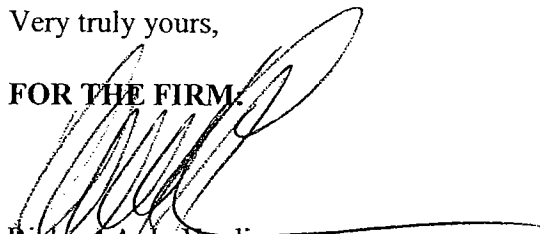
We believe we have made a good faith effort to provide you with all of the information requested in the questionnaire. If there are any questions, please feel free to contact me directly.

Barbara Harding, Esq.  
January 9, 2007  
Page 2

Best regards,

Very truly yours,

**FOR THE FIRM.**



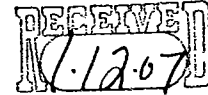
Richard A. LaVerdiere  
[rlaverdiere@siebenpolklaw.com](mailto:rlaverdiere@siebenpolklaw.com)

RAL/clj

Enclosures

ott Baldwin  
ott Baldwin, Jr.  
ck B. Baldwin

January 10, 2007



**Via Federal Express**

Barbara Mack Harding, Esq.  
Kirkland & Ellis, LLP  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

**Via US Express Mail**

Rust Consulting, Inc.  
Claims Processing Agent  
P. O. Box 1620  
Faribault, MN 55021-1620

Re: In re W. R. Grace Co., Case No. 01-01139 (JKF)

Dear Barbara:

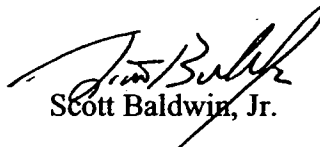
Pursuant to the Court's Order of December 22, 2006, please find enclosed Plaintiffs' response and certification regarding Jimmy A. Burton and Jerry W. Wilson.

With respect to Jimmy A. Burton, no x-ray exists to the best of our knowledge. Pursuant to the Court's Order of December 22, 2006, Plaintiffs are producing "x-ray evidence" which includes medical reports and opinion which attributes Mr. Burton's cancer to asbestos exposure.

Jerry W. Wilson's x-ray does exist, however, it is not possible or reasonably practicable to obtain the certification and/or a copy of the original x-ray within the time limitations set forth in the Court's Order. Plaintiffs shall make the original x-ray, of Jerry W. Wilson, available for inspection and copying at Counsel's office, pursuant to paragraph 3 of the Court's Order. Plaintiffs are producing "x-ray evidence" which consists of medical reports and opinion.

Should you have questions, please do not hesitate to contact me.

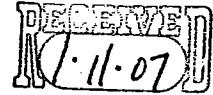
Kindest regards,

  
Scott Baldwin, Jr.

SBjr/ag

Encls.





**CAMPBELL~CHERRY~HARRISON~DAVIS~DOVE**

A PROFESSIONAL CORPORATION

**Sheila J. Hendricks**  
Sheila@TheTrialLawyers.com

**ATTORNEYS AT LAW**

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Waco, Texas 76702-1387  
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[www.TheTrialLawyers.com](http://www.TheTrialLawyers.com)

**VIA FEDERAL EXPRESS**

January 10, 2007

Barbara Mack Harding  
Kirkland & Ellis, LLP  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

Re: x-ray production and certification  
W.R. Grace Asbestos Personal Injury Questionnaire  
Avery D Eunice , Rust ID 001129526

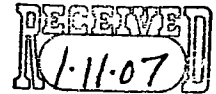
Dear Ms. Harding:

Pursuant to Judge Fitzgerald's order, this letter will certify that it is not possible or reasonably practicable to obtain certification from a qualified individual that any images contained in this Claimant's original x-ray(s) which are material to this Claimant's allegation that the x-ray demonstrates that his cancer is attributable to asbestos appear identically in the copy that will be provided. This certification is provided pursuant to paragraph 3 of the Order Regarding X-Ray Evidence dated December 22, 2006.

Sincerely,

Sheila J. Hendricks

cc: Nathan Finch



**CAMPBELL~CHERRY~HARRISON~DAVIS~DOVE**

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January 10, 2007

Barbara Mack Harding  
Kirkland & Ellis, LLP  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

Re: x-ray production and certification  
W.R. Grace Asbestos Personal Injury Questionnaire  
Luther D Jenkins , Rust ID 000549042

Dear Ms. Harding:

Pursuant to Judge Fitzgerald's order, this letter will certify that it is not possible or reasonably practicable to obtain certification from a qualified individual that any images contained in this Claimant's original x-ray(s) which are material to this Claimant's allegation that the x-ray demonstrates that his cancer is attributable to asbestos appear identically in the copy that will be provided. This certification is provided pursuant to paragraph 3 of the Order Regarding X-Ray Evidence dated December 22, 2006.

Sincerely,

Sheila J. Hendricks

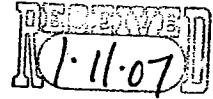
cc: Nathan Finch



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January 10, 2007

Barbara Mack Harding  
Kirkland & Ellis, LLP  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

Re: x-ray production and certification  
W.R. Grace Asbestos Personal Injury Questionnaire  
Robert J Chatmon , Rust ID 003003466

Dear Ms. Harding:

Pursuant to Judge Fitzgerald's order, this letter will certify that it is not possible or reasonably practicable to obtain certification from a qualified individual that any images contained in this Claimant's original x-ray(s) which are material to this Claimant's allegation that the x-ray demonstrates that his cancer is attributable to asbestos appear identically in the copy that will be provided. This certification is provided pursuant to paragraph 3 of the Order Regarding X-Ray Evidence dated December 22, 2006.

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Sheila J. Hendricks

cc: Nathan Finch

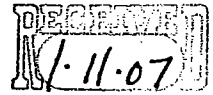


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Kirkland & Ellis, LLP  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

Re: x-ray production and certification  
W.R. Grace Asbestos Personal Injury Questionnaire  
Myron H Clark , Rust ID 001271102

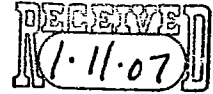
Dear Ms. Harding:

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Kirkland & Ellis, LLP  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

Re: x-ray production and certification  
W.R. Grace Asbestos Personal Injury Questionnaire  
George D Bryant ; Rust ID 001472554

Dear Ms. Harding:

Pursuant to Judge Fitzgerald's order, this letter will certify that it is not possible or reasonably practicable to obtain certification from a qualified individual that any images contained in this Claimant's original x-ray(s) which are material to this Claimant's allegation that the x-ray demonstrates that his cancer is attributable to asbestos appear identically in the copy that will be provided. This certification is provided pursuant to paragraph 3 of the Order Regarding X-Ray Evidence dated December 22, 2006.

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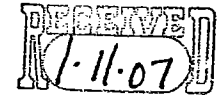


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January 10, 2007

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Kirkland & Ellis, LLP  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

Re: x-ray production and certification  
W.R. Grace Asbestos Personal Injury Questionnaire  
Louis Wilson Jr, Rust ID 003003725

Dear Ms. Harding:

Pursuant to Judge Fitzgerald's order, this letter will certify that it is not possible or reasonably practicable to obtain certification from a qualified individual that any images contained in this Claimant's original x-ray(s) which are material to this Claimant's allegation that the x-ray demonstrates that his cancer is attributable to asbestos appear identically in the copy that will be provided. This certification is provided pursuant to paragraph 3 of the Order Regarding X-Ray Evidence dated December 22, 2006.

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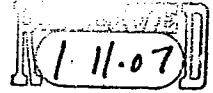
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Kirkland & Ellis, LLP  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

Re: x-ray production and certification  
W.R. Grace Asbestos Personal Injury Questionnaire  
Neil C Piper , Rust ID 003003701

Dear Ms. Harding:

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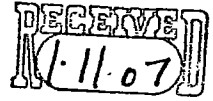
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January 10, 2007

Barbara Mack Harding  
Kirkland & Ellis, LLP  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

Re: x-ray production and certification  
W.R. Grace Asbestos Personal Injury Questionnaire  
John H Smelley Sr, Rust ID 000242523

Dear Ms. Harding:

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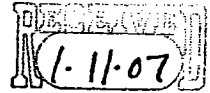


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Kirkland & Ellis, LLP  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

Re: x-ray production and certification  
W.R. Grace Asbestos Personal Injury Questionnaire  
Joseph A Burgess Sr, Rust ID 000922203

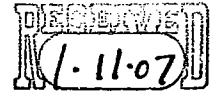
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Washington, D.C. 20005

Re: x-ray production and certification  
W.R. Grace Asbestos Personal Injury Questionnaire  
John R Mitchell Sr, Rust ID 001103526

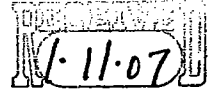
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January 10, 2007

Barbara Mack Harding  
Kirkland & Ellis, LLP  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

Re: x-ray production and certification  
W.R. Grace Asbestos Personal Injury Questionnaire  
Collier L Hayes Sr, Rust ID 003003824

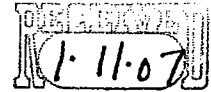
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Sheila J. Hendricks

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VIA FEDERAL EXPRESS

January 10, 2007

Barbara Mack Harding  
Kirkland & Ellis, LLP  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

Re: x-ray production and certification  
W.R. Grace Asbestos Personal Injury Questionnaire  
Albert Lee Boyd , Rust ID 003003992

Dear Ms. Harding:

Pursuant to Judge Fitzgerald's order, this letter will certify that it is not possible or reasonably practicable to obtain certification from a qualified individual that any images contained in this Claimant's original x-ray(s) which are material to this Claimant's allegation that the x-ray demonstrates that his cancer is attributable to asbestos appear identically in the copy that will be provided. This certification is provided pursuant to paragraph 3 of the Order Regarding X-Ray Evidence dated December 22, 2006.

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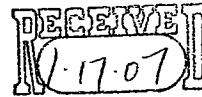
Sheila J. Hendricks

cc: Nathan Finch

*Law Offices of*  
**McGarvey, Heberling, Sullivan & McGarvey, P.C.**

*Dale L. McGarvey*  
*Jon L. Heberling*  
*Roger M. Sullivan, Jr.*  
*Allan M. McGarvey*  
*John F. Lacey*

*745 South Main*  
*Kalispell, Montana*  
*59901-5399*



*Telephones:*  
(406) 752-5566  
1-800-345-1763 (in State)  
1-800-406-7544 (out of State)  
*Fax:* (406) 752-7124

January 10, 2007

*Emails:* dmcgarvey@mcgarveylaw.com  
jheberling@mcgarveylaw.com  
amcgarvey@mcgarveylaw.com  
rsullivan@mcgarveylaw.com  
jlacey@mcgarveylaw.com

Barbara Harding  
Kirkland & Ellis  
W.R. Grace Counsel  
200 East Randolph Drive  
Chicago IL 60601

Re: Chest x-rays on lung cancer claimants, Libby

Dear Barbara:

1. This letter is supplied pursuant to the Court's Order of 12/22/06,
2. Twelve Libby Claimants are identified on Grace's letter of 12/28/06.
  - a. Three claimants have colon cancer, evidenced by rectal exam, colonoscopy, path report, and/or surgery, but not evidenced by x-ray. We have sent these non-x-ray records already. These claimants are Royce Ryan, deceased, Jerald Trego and Ivan Troyer, Sr.
  - b. Two claimants have cancers which we understand the trust will not reimburse. These are Harry Ostheller, deceased (kidney cancer), and Miles Wrightmire, deceased (pancreatic cancer).
  - c. Seven claimants with lung cancer are subject to the chest x-ray procedures.
3. We have conferred with Dr. Whitehouse of the CARD Clinic in Libby, and we are informed that the CARD Clinic will not certify that any copy of a chest x-ray will be absolutely identical to the original. In fact, we have known this for some time. It seems odd that Grace would seek such a

Barbara Harding  
Page Two  
January 10, 2007

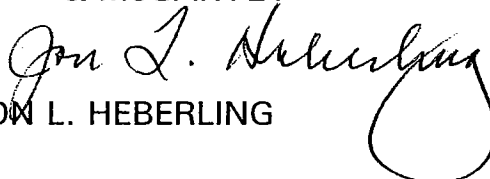
certification. We doubt that any of the hospitals who are apparent holders of original chest x-rays will so certify either. In any event, it was not practicable to obtain any such certification by 1/12/07. Medical providers do not respond that quickly to any request for information.

4. If Grace so requests, we will request that the originals from other than the CARD Clinic be delivered to counsel at the above address. The CARD Clinic will not release original chest x-rays. Chest x-rays were lost by the Grace Plan for Libby. Also release of the originals may interfere with research underway. However, we do not know as yet whether the CARD Clinic has any original chest x-rays on the seven claimants in question. Our records do not reflect that they do.

5. It may be that some x-rays are on digital format. If so, does Grace want digital copies on CDs?

Yours sincerely,

McGARVEY, HEBERLING, SULLIVAN  
& McGARVEY

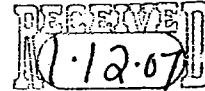
  
JON L. HEBERLING

JLH:joh

cc: Chris Candon

WARD BLACK LAW

• protecting people's rights •



Janet Ward Black • Rachel Scott Decker • Phyllis Lile-King • S. Camille Payton • David Rhodes

January 10, 2007

Barbara Mack Harding  
Kirkland & Ellis  
655 Fifteenth Street, N.W.  
Washington, DC 20005

RE: W.R. Grace Bankruptcy—Production of Chest X-rays  
For Donaldson & Black and Ward Black Law

Dear Ms. Harding:

This is in response to your letter dated December 28, 2006 and in follow up to my letter dated November 7, 2006 regarding the chest x-ray films in our possession for individuals who submitted proof of claim forms to Grace, who were diagnosed with asbestos related cancers other than mesothelioma, and who were using x-ray to support their claims of asbestos disease.

Four of the claimants on your list are not cancer claims. They are not contending that they suffer malignancies. These claimants are: Raymond Basinger, Richard Jones, Siebert Ward and Billy Jarrett. Siebert Ward is a non-malignant claimant but we erroneously identified him as a malignant on the questionnaire. We will send a revised version of the questionnaire. We apologize.

We will make x-rays in our possession for the following claimants listed in your December 28, 2006 letter available for inspection at our office. These claimants are: John Cashatt, Bobby Clements, Leslie Coble, John Ezell, Jimmy Hodge, Jack Hollars, Alton Hughes, Matthew Lamm, Corrine Smith, Clyde Summey, Bobby Tate, Joseph Walsh and Larry Wilson. Most of these films have been in our office many years. A number are copies but they are the original films that were read by the B-Reader.

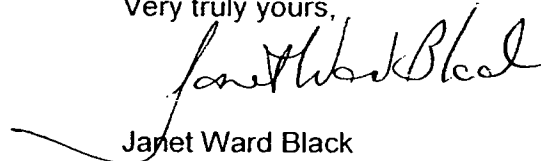
We are in the process of contacting medical facilities requesting original x-ray films for five claimants for whom we do not have films in-house. These claimants are: Everett Brown, Willie C. Godfrey, Bobby D. King, Joe Scruggs, and Fred Davis. We have received a response regarding Joe Scruggs and Willie Godfrey's films, stating the films have been purged. Attached you will find a copy of each letter regarding these claimants, as well as the responses regarding Joe Scruggs and Willie Godfrey. We have not received responses regarding the other three to date.

Barbara Mack Harding  
January 10, 2007  
Page 2

Please contact our office to set up a mutually convenient date and time for the inspection of chest films. Enclosed you will find a chart summarizing the information found in this letter.

Should you have further questions on this matter, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Janet Ward Black". The signature is written in dark ink and is positioned above the printed name.

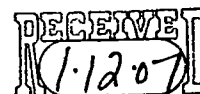
Janet Ward Black

Enclosures



GENE ZAMLER  
DONALD SHIFFMAN  
RICHARD J. EHRLICH  
PAUL S. ROSEN  
JOHN A. DOMINIC  
MARGARET HOLMAN JENSEN  
RONALD K. WEINER  
STEVEN KARFIS  
ALICE A. BUFFINGTON

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ADVANCE BUILDING  
23077 GREENFIELD ROAD  
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\*BRAD M. ZAMLER  
ERLICH, ROSEN & BARTNICK, P.C.  
MARC J. LITTMAN  
LISA ROTH  
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1-800-243-3LAW  
FAX (248) 552-1380  
WEBSITE: WWW.ZMSPC.COM  
WRITER'S DIRECT DIAL NUMBER

\*MEMBER OF ILLINOIS BAR ONLY

248/443-6557

January 10, 2007

Kirkland & Ellis, LLP  
Barbara Mack Harding,  
Counsel to W.R. Grace & Co.  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

In re: W.R. Grace & Co., Case No. 01-01139 (JFK)

Dear Ms. Harding:

Please be advised that I am presently counsel for the claimants on the attachment A (with the exception of Alvin Dugas, who is represented by Gerald F. Maples, as shown on Attachment A), which was sent to us by counsel for W.R. Grace, along with the Court's recent Order Regarding X-Ray Evidence for Pre-Petition Claims against W.R. Grace (See enclosed Attachment A). In response to the Court's Order regarding x-ray evidence, we have searched through our files for the various requested x-ray films, but have been unable to find films for several of the claimants. This is because we frequently do not retain the original films when the trial date has passed and the case is settled. We did in fact return several of the films to the facility where they were originally taken, as more fully discussed herein.

In particular, we no longer have the films or even a copy of the x-ray films for the following Claimants: Frank Vargo, Marvin Horn, John Newhouse. Since these are older claims, we do not even have a current medical authorization, but we have sent new authorizations to the Personal Representatives and will obtain the films for those claimants, which we hope are still available, as soon as possible. As soon as we obtain the films, we will provide you with copies, or make the original available for you to inspect at our office.

Similarly, the chest films for the following Claimants were also returned to the facility from which they were obtained: Floyd Johnson, Elmer Pontz and Eugene Gerard. In requesting these films for W.R. Grace, we have just been informed that the hospitals or facilities to which the films were returned have destroyed the x-rays of Floyd Johnson and Eugene Gerard. With regard to Mr. Pontz, it is also doubtful that this film still exists, but the facility is checking for it. Additionally,

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Page 2 pf 3

Mr Pontz has passed away since his case was settled and we are unsure if there is a Personal Representative who would be able to authorize us to get the film at this time. Also, with regard to Robert Brookhouse, the hospital has destroyed any films it had, and the film which we had provided to defendants in the litigation was apparently lost by their expert.

For the following Claimants, we are producing a copy of the original film. The service which copies the film will certify that the copy is an exact and true copy of the film in question. Furthermore, we will be able to produce the original film in our office for your inspection at your request; those Claimants are: William Anteau, Archie Blevins, John Cox, Rodney David, Ralph Hoskins, Bobbie Johnson, Thomas Ramsay, Michael Rayba, Edward Reid, Platon Rydlicki, Thaddeus Szczesny, Carl Walkmaster, Elwood Walton, and William Warren.

Additionally, there are two (2) additional Plaintiffs not on the attachment A, for whom Plaintiffs filed Pre-Petition Claims against W.R. Grace involving a non-mesothelioma cancer and we can produce copies of original films as described above. Those Claimants are: Lawrence Shores and Douglas Winkler.

As for several claimants, Plaintiff only has a copy of the original chest film in our possession. Based on what we can surmise, the facility which took the film would not release the original film to us. In any event, we believe the film that we have in our possession was the film that our expert relied upon in making his diagnosis. We are producing certified copies of those films by the same copy service, as described above (or making available for your inspection at your request) for the following Claimants: Edgar Dippell, Robert Franklin, Eugene Gross, Ross Heinrich, Amos Hepinstall, Charles Lindow, Gerald Livernois, Robert O'Leary, Peter Otter, Tommy Rawls, Michael Reabe (although this is not a cancer case), Earl Schur, Mark Tuck, and Billy Yates.

With regard to Dave Centers, his diagnosis of lung cancer was made based upon pathological evidence and not x-ray evidence. We are not sure why he was included on the list and assume it was an error, since our expert did not rely upon any x-rays in making the diagnosis or in associating the cause of his lung cancer with asbestos. Accordingly, at this time we are not producing any x-rays for Dave Center.

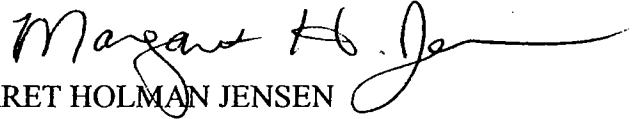
I have attempted to set forth that we are using our best efforts to comply with the Court's Order. Since the copy service we are using to copy the x-rays is wording their certification a little differently from the language in the Order, I wanted to let you know what steps we have taken and what we have been able to accomplish, since it is not reasonably practicable to get the exact wording of the certification, since the copy service refuses to use those words. However, we believe we have done our best to substantially comply with the Order.

Page 3 of 3

Please feel free to contact me concerning the forgoing.

Very truly yours,

ZAMLER, MELLEN & SHIFFMAN, P.C.

A handwritten signature in black ink, appearing to read "Margaret H. Jensen", with a long, sweeping horizontal line extending to the right.

MARGARET HOLMAN JENSEN

MHJ:slg

cc: Nathan D. Finch, Esq.

Brian Stansbury, Esq.

Thursday 11 of Jan 2007, Faxination

-&gt;

Page 3 of 3

**BARON & BUDD**

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LISA WHITE SHIRLEY (TX, LA & FL)  
STEFANIE K. MAJOR  
KIRK M. CLANCH (TX & WI)  
ERIC J. BROWN (CA ONLY)  
†† SPECIAL COUNSEL  
† C.F. COUNSEL

January 11, 2007

**VIA FACSIMILE (202) 879-5200**

Barbara Harding, Esq.  
Kirkland & Ellis LLP  
655 Fifteenth Street, NW  
Suite 1200  
Washington DC 20005-5793

Re: *In re WR Grace*; Production of X-Rays; Certification of Counsel

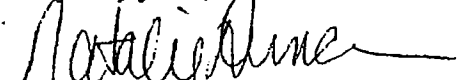
Dear Ms. Harding:

I am writing pursuant to the provisions of paragraph 3 of the "Order Regarding X-Ray Evidence" signed by Judge Fitzgerald on December 22, 2006.

Be advised that I hereby certify that it is not reasonably practicable to obtain the certifications described in paragraph 2 of the "Order Regarding X-Ray Evidence" signed by Judge Fitzgerald on December 22, 2006. Therefore, Baron & Budd, P.C. will make the originals of the x-rays covered by the Order available to you for inspection at the offices of Baron & Budd, P.C. in Dallas within 30-days of your demand to inspect them.

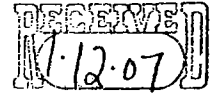
Please contact me at your convenience to arrange for the dates and logistics of your inspection.

Very truly yours,

  
Natalie Duncan

NFD/brw

cc: Sander Esserman, Esq.  
Nate Finch, Esq.  
Mark T. Hurford, Esq.



2200 Key Tower • 127 Public Square • Cleveland, OH 44114  
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January 11, 2007

**Via Federal Express**

Barbara M. Harding, Esq.  
Kirkland & Ellis LLP  
855 Fifteenth Street, N.W.  
Washington, D.C. 20005

RE: In Re: W.R. Grace, Case No.: 01-0139 (JKF)  
Order Regarding X-ray Evidence Dated December 22, 2006

Dear Ms. Harding:

This letter is written in compliance to the December 22, 2006 Order Regarding X-Ray Evidence issued by the Honorable Judith K. Fitzgerald in the above captioned matter. Further, this letter is written on behalf of each and every individual who has a non-mesothelioma malignant claim against W.R. Grace, and on whose behalf I have submitted a W.R. Grace Asbestos Personal Injury Questionnaire or a W.R. Grace Asbestos Personal Injury Supplemental Questionnaire on or before January 12, 2007, and whose claim is based in whole or in part upon any x-ray. To this end, I hereby certify that it is not possible or reasonably practicable to provide an identical copy of the original x-ray material to W.R. Grace. Furthermore, this letter is being sent on behalf of the clients of the following law firms on whose behalf I have submitted certain Questionnaires or Supplemental Questionnaires:

Climaco, Climaco, Lefkowitz, & Garofoli, Co., L.P.A. - aka Climaco, Lefkowitz, Peca, Wilcox & Garofoli Co., L.P.A.  
Michael H. Doran and Associates, PC  
Doran & Murphy, LLP  
Kelley & Ferraro, LLP  
Ferraro & Associates, PA  
David T. Cobb  
Tayllor & Cire - aka Taylor & Cire

Consequently, if W.R. Grace would like to review these x-rays, please contact me directly so that I may make the x-rays available for inspection at the office of Kelley & Ferraro or its co-counsel pursuant to Judge Fitzgerald's Order.

Very truly yours,

KELLEY & FERRARO LLP

A handwritten signature in black ink, appearing to be "T. Wilson".

Thomas M. Wilson

TMW/mp

1301 McKinney Street  
Suite 3500  
Houston, TX 77010

Tel: 713.651.1771  
Fax: 713.651.1775  
www.cdnlawfirm.com

January 11, 2007

**VIA FACSIMILE (202) 879-5200**

Barbara Mack Harding  
Kirkland & Ellis, LLP  
655 Fifteenth St  
N.W. Washington, DC 20005

**RE: W.R. Grace & Co, Case No. 01-01139 (JFK)**

Dear Barbara:

This letter is to confirm receipt of your letter dated January 10, 2007. You have indicated in previous correspondence that X-Rays are required for two of our claimants Thomas Campbell (000066044) and Claude Walker (000066020). In compliance with paragraph 3 of the Order of the court Regarding X-ray Evidence dated December 22, 2006, let this letter serve as certification that it is not reasonably practicable to obtain the certification described in Paragraph 2 of said order. Claimant's original x-ray, if on file, will be made available at this office within 30 days of W.R. Grace's demand.

If you have any questions or concerns regarding this matter, please do not hesitate to contact Shari Goldsberry at (713) 651-1771 or (713) 598-2020.

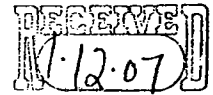
Very truly your,

**CROWLEY DOUGLAS & NORMAN, LLP**



Glenn M. Douglas

GMD/jmt



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January 11, 2007

**Via Federal Express**

Barbara M. Harding, Esq.  
Kirkland & Ellis LLP  
855 Fifteenth Street, N.W.  
Washington, D.C. 20005

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Order Regarding X-ray Evidence Dated December 22, 2006

Dear Ms. Harding:

This letter is written in compliance to the December 22, 2006 Order Regarding X-Ray Evidence issued by the Honorable Judith K. Fitzgerald in the above captioned matter. Further, this letter is written on behalf of each and every individual who has a non-mesothelioma malignant claim against W.R. Grace, and on whose behalf I have submitted a W.R. Grace Asbestos Personal Injury Questionnaire or a W.R. Grace Asbestos Personal Injury Supplemental Questionnaire on or before January 12, 2007, and whose claim is based in whole or in part upon any x-ray. To this end, I hereby certify that it is not possible or reasonably practicable to provide an identical copy of the original x-ray material to W.R. Grace. Furthermore, this letter is being sent on behalf of the clients of the following law firms on whose behalf I have submitted certain Questionnaires or Supplemental Questionnaires:

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Michael H. Doran and Associates, PC  
Doran & Murphy, LLP  
Kelley & Ferraro, LLP  
Ferraro & Associates, PA  
David T. Cobb  
Tayllor & Cire - aka Taylor & Cire

Consequently, if W.R. Grace would like to review these x-rays, please contact me directly so that I may make the x-rays available for inspection at the office of Kelley & Ferraro or its co-counsel pursuant to Judge Fitzgerald's Order.

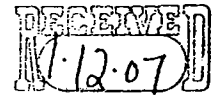
Very truly yours,

KELLEY & FERRARO LLP

A handwritten signature in black ink, appearing to be "T. M. Wilson", written over a horizontal line.

Thomas M. Wilson

TMW/mp



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January 11, 2007

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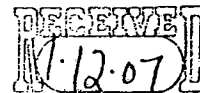
KELLEY & FERRARO LLP

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Thomas M. Wilson

TMW/mp





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January 11, 2007

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Kirkland & Ellis LLP  
855 Fifteenth Street, N.W.  
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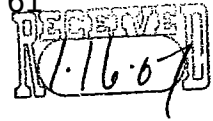
Very truly yours,

KELLEY & FERRARO LLP

A handwritten signature in black ink, appearing to be "T. M. Wilson", written over a horizontal line.

Thomas M. Wilson

TMW/mp



HUMPHREY, FARRINGTON & McCLAIN, P.C.

ATTORNEYS AT LAW

TEL: (816) 836-5050 FAX: (816) 836-8966

221 WEST LEXINGTON, SUITE 400

P.O. BOX 900

INDEPENDENCE, MISSOURI 64051

WEBSITE: [www.hfmlegal.com](http://www.hfmlegal.com)

SCOTT A. BRITTON-MEHLISCH  
STEVEN E. CRICK  
BUPORD L. FARRINGTON  
JOSEPH S. GALL  
SCOTT B. HALL  
J'NAN KIMAK JUDY\*  
W. BENJAMIN KASEY\*  
DONALD H. LOUDON, JR.  
SCOTT R. MANUEL  
KENNETH B. McCLAIN  
CHRISTOPHER R. MILLER\*  
DANIEL A. THOMAS

OF COUNSEL:  
TERI B. GOLDMAN

\*ADMITTED IN MISSOURI & KANSAS

January 11, 2007

Ms. Barbara M. Harding  
Kirkland & Ellis, LLP  
655 Fifteenth St., N.W.  
Washington, D.C. 20005

RE: In Re: W.R. Grace & Co., et al., Case No. 01-1139(JKF)

Dear Counsel:

Pursuant to Paragraph 3 of Judge Judith Fitzgerald's December 22, 2006 "Order Regarding X-Ray Evidence" I certify that it is not possible or reasonably practicable to obtain the certification required in Paragraph 2 of the Order for my client Kenneth B. Steinmeyer (last 4 digits of SSN 4865).

Very truly yours,

Scott A. Britton-Mehlisch

SBM:cr

**JEFFREY A. VARAS**

*Attorney at Law*

119 Caldwell Drive  
P. O. Box 886  
Hazlehurst, MS 39083

Telephone: (601) 894-4088  
Toll Free: (877) 894-2563  
Facsimile: (601) 894-4688

January 11, 2007

Rust Consulting, Inc.  
Claims Processing Agent  
Re: W.R. Grace & Co. Bankruptcy  
201 S. Lyndale Avenue  
P. O. Box 1620  
Faribault, MN 55021

*via Federal Express*

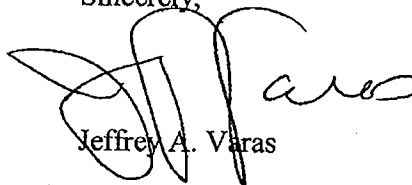
Re: *In re: W.R. Grace Bankruptcy, 01-01139 (JKF) (Bankr. D. Del.)*

Dear Sir or Madam:

In response to Order Regarding X-ray Evidence, dated December 22, 2006, please be advised that it is not possible or reasonably practicable for my firm to obtain copies of x-rays for our malignant claimants and be able to provide certification as requested by the Order deadline. However, please be advised that I do have the original x-rays in my office which will be available for inspection if requested by Grace as further provided by the Order.

If you have any questions please do not hesitate to call. Thank you.

Sincerely,

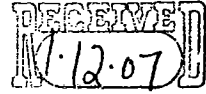


Jeffrey A. Varas

JAV/bbp

F:\Debbie\Settlement\St\Int Docs\WRGrace\Grace.X-rays.wpd

 **COPY**



2200 Key Tower • 127 Public Square • Cleveland, OH 44114  
(216) 575-0777 • Fax: (216) 575-0799 • Toll Free: (888) 839-8479  
www.kelley-ferraro.com

January 11, 2007

**Via Federal Express**

Barbara M. Harding, Esq.  
Kirkland & Ellis LLP  
855 Fifteenth Street, N.W.  
Washington, D.C. 20005

RE: In Re: W.R. Grace, Case No.: 01-0139 (JKF)  
Order Regarding X-ray Evidence Dated December 22, 2006

Dear Ms. Harding:

This letter is written in compliance to the December 22, 2006 Order Regarding X-Ray Evidence issued by the Honorable Judith K. Fitzgerald in the above captioned matter. Further, this letter is written on behalf of each and every individual who has a non-mesothelioma malignant claim against W.R. Grace, and on whose behalf I have submitted a W.R. Grace Asbestos Personal Injury Questionnaire or a W.R. Grace Asbestos Personal Injury Supplemental Questionnaire on or before January 12, 2007, and whose claim is based in whole or in part upon any x-ray. To this end, I hereby certify that it is not possible or reasonably practicable to provide an identical copy of the original x-ray material to W.R. Grace. Furthermore, this letter is being sent on behalf of the clients of the following law firms on whose behalf I have submitted certain Questionnaires or Supplemental Questionnaires:

Climaco, Climaco, Lefkowitz, & Garofoli, Co., L.P.A. - aka Climaco, Lefkowitz, Peca, Wilcox & Garofoli Co., L.P.A.  
Michael H. Doran and Associates, PC  
Doran & Murphy, LLP  
Kelley & Ferraro, LLP  
Ferraro & Associates, PA  
David T. Cobb  
Tayllor & Cire - aka Taylor & Cire

Consequently, if W.R. Grace would like to review these x-rays, please contact me directly so that I may make the x-rays available for inspection at the office of Kelley & Ferraro or its co-counsel pursuant to Judge Fitzgerald's Order.

Very truly yours,

KELLEY & FERRARO LLP

A handwritten signature in black ink, appearing to be "T. M. Wilson".

Thomas M. Wilson

TMW/mp

LAW OFFICES  
**LEBLANC & WADDELL, LLP**  
ATTORNEYS AT LAW

6955 PERKINS ROAD, SUITE 100  
BATON ROUGE, LA 70808-4267

TEL: (225) 768-7222 FAX: (225) 768-7999  
TOLL FREE: 1-(800)-988-3514

January 11, 2007

**VIA FIRST CLASS CERTIFIED MAIL**  
**RRR 7004-2510-0002-8810-0004**

David Bernick, Esq.  
Barbara Harding, Esq.  
Kirkland & Ellis LLP  
655 15th St. NW, Ste. 1200  
Washington, DC 20005-5720

RE: *IN RE W.R. GRACE, et al.*, Case No. 01-01139-JKF  
January 11, 2007 United States Bankruptcy Court, District of Delaware

Production of X-Rays; Certification of Counsel

Dear Counsel:

I am writing pursuant to the provisions of paragraph 3 of the "Order Regarding X-Ray Evidence" signed by Judge Fitzgerald on December 22, 2006.

Be advised that I hereby certify that it is not reasonably practicable to obtain the certifications described in paragraph 2 of the "Order Regarding X-Ray Evidence" signed by Judge Fitzgerald on December 22, 2006. Therefore, LeBlanc & Waddell, LLP will make the originals of the x-rays covered by the Order available to you for inspection at the offices of LeBlanc & Waddell, LLP in Dallas, Texas within 30-days of your demand to inspect them.

Please contact me at your convenience to arrange for the dates and logistics of your inspection.

Very truly yours,

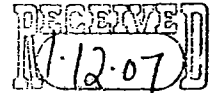
**LeBLANC & WADDELL, LLP**



J. Burton LeBlanc, IV

JBL/hs

cc: Sander Esserman, Esq.  
Nate Finch, Esq.  
Mark T. Hurford, Esq.



2200 Key Tower • 127 Public Square • Cleveland, OH 44114  
(216) 575-0777 • Fax: (216) 575-0799 • Toll Free: (888) 839-8479  
www.kelley-ferraro.com

January 11, 2007

**Via Federal Express**

Barbara M. Harding, Esq.  
Kirkland & Ellis LLP  
855 Fifteenth Street, N.W.  
Washington, D.C. 20005

RE: In Re: W.R. Grace, Case No.: 01-0139 (JKF)  
Order Regarding X-ray Evidence Dated December 22, 2006

Dear Ms. Harding:

This letter is written in compliance to the December 22, 2006 Order Regarding X-Ray Evidence issued by the Honorable Judith K. Fitzgerald in the above captioned matter. Further, this letter is written on behalf of each and every individual who has a non-mesothelioma malignant claim against W.R. Grace, and on whose behalf I have submitted a W.R. Grace Asbestos Personal Injury Questionnaire or a W.R. Grace Asbestos Personal Injury Supplemental Questionnaire on or before January 12, 2007, and whose claim is based in whole or in part upon any x-ray. To this end, I hereby certify that it is not possible or reasonably practicable to provide an identical copy of the original x-ray material to W.R. Grace. Furthermore, this letter is being sent on behalf of the clients of the following law firms on whose behalf I have submitted certain Questionnaires or Supplemental Questionnaires:

Climaco, Climaco, Lefkowitz, & Garofoli, Co., L.P.A. - aka Climaco, Lefkowitz, Peca, Wilcox & Garofoli Co., L.P.A.  
Michael H. Doran and Associates, PC  
Doran & Murphy, LLP  
Kelley & Ferraro, LLP  
Ferraro & Associates, PA  
David T. Cobb  
Tayllor & Cire - aka Taylor & Cire

Consequently, if W.R. Grace would like to review these x-rays, please contact me directly so that I may make the x-rays available for inspection at the office of Kelley & Ferraro or its co-counsel pursuant to Judge Fitzgerald's Order.

Very truly yours,

KELLEY & FERRARO LLP

A handwritten signature in black ink, appearing to be "T. Wilson".

Thomas M. Wilson

TMW/mp

**THE PARRON FIRM**  
*Attorney at Law*  
*Board Certified Personal Injury Trial Law*

January 11, 2007

VIA FACSIMILE (202) 879-5200

Barbara M. Harding  
Kirkland & Ellis LLP  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

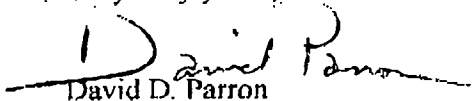
Re: In re W.R. Grace & Co., Case No. 01-01139 (JKF)

Dear Ms. Harding:

I have been unable to locate a facility to make copies of the original X-rays and to then certify said X-rays. As it is not possible or reasonably practicable to obtain the certification or copies of the X-rays, I am hereby notifying you that the original X-rays are available for inspection or copying at my office during business hours within 30 days of the demand by Grace.

I thank you for your attention to this matter.

Very truly yours,

  
David D. Parron

DDP:ar

Cc: Nathan Finch via facsimile (202) 429-3301

SCOTT AND SCOTT, LTD.  
ATTORNEYS AT LAW  
SUITE 204, 5 OLD RIVER PLACE  
POST OFFICE BOX 2009  
JACKSON, MISSISSIPPI 39215-2009

TOM B. SCOTT, III

(601) 353-9522

OF COUNSEL:  
TOM B. SCOTT, JR.

January 11, 2007

VIA COURIER

Rust Consulting, Inc.  
Claims Processing Agent  
Re: W. R. Grace & Co. Bankruptcy  
201 S. Lyndale Avenue  
P.O. Box 1620  
Faribault, MN 55021

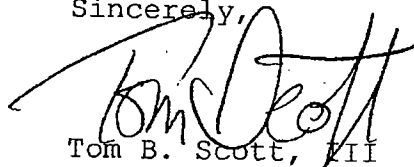
In re: W. R. Grace Bankruptcy, 01-01139 (JKF)  
(Bankr. D. Del.)

Dear Sir or Madam:

In response to Order Regarding X-ray Evidence, dated December 22, 2006, please be advised that it is not possible or reasonably practicable for my firm to obtain copies of x-rays for our malignant claimants and be able to provide certification as requested by the Order deadline. However, please be advised that I do have the original X-rays in my office which will be available for inspection if requested by Grace as further provided by the Order.

If you have any questions please do not hesitate to call. Thank you.

Sincerely,



Tom B. Scott, III

TBSIII/se



**SILBER PEARLMAN, LLP**  
*Attorneys and Counselors*

TELEPHONE (214) 874-7000

3102 OAK LAWN AVE.: FIFTH FLOOR, LB 32; DALLAS, TEXAS 75219-6403

FAX (214) 824-8100

January 11, 2007

VIA FIRST CLASS CERTIFIED MAIL  
RRR 7001-2510-0002-8810-0332

David Bernick, Esq.  
Barbara Harding, Esq.  
Kirkland & Ellis LLP  
655 15th St. NW, Ste. 1200  
Washington, DC 20005-5720

RE: *IN RE W.R. GRACE, et al.*, Case No. 01-01139-JKF  
United States Bankruptcy Court, District of Delaware

Production of X-Rays; Certification of Counsel

Dear Counsel:

I am writing pursuant to the provisions of paragraph 3 of the "Order Regarding X-Ray Evidence" signed by Judge Fitzgerald on December 22, 2006.

Be advised that I hereby certify that it is not reasonably practicable to obtain the certifications described in paragraph 2 of the "Order Regarding X-Ray Evidence" signed by Judge Fitzgerald on December 22, 2006. Therefore, Silber Pearlman, LLP will make the originals of the x-rays covered by the Order available to you for inspection at the offices of Silber Pearlman, LLP in Dallas within 30-days of your demand to inspect them.

Please contact me at your convenience to arrange for the dates and logistics of your inspection.

Very truly yours,

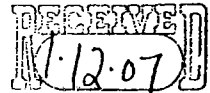
**SILBER PEARLMAN, LLP**

  
Michael J. Hanners

MH/hs

cc: Sander Esserman, Esq.  
Nate Finch, Esq.  
Mark T. Hurford, Esq.

5714758.1



2200 Key Tower • 127 Public Square • Cleveland, OH 44114  
(216) 575-0777 • Fax: (216) 575-0799 • Toll Free: (888) 839-8479  
www.kelley-ferraro.com

January 11, 2007

**Via Federal Express**

Barbara M. Harding, Esq.  
Kirkland & Ellis LLP  
855 Fifteenth Street, N.W.  
Washington, D.C. 20005

RE: In Re: W.R. Grace, Case No.: 01-0139 (JKF)  
Order Regarding X-ray Evidence Dated December 22, 2006

Dear Ms. Harding:

This letter is written in compliance to the December 22, 2006 Order Regarding X-Ray Evidence issued by the Honorable Judith K. Fitzgerald in the above captioned matter. Further, this letter is written on behalf of each and every individual who has a non-mesothelioma malignant claim against W.R. Grace, and on whose behalf I have submitted a W.R. Grace Asbestos Personal Injury Questionnaire or a W.R. Grace Asbestos Personal Injury Supplemental Questionnaire on or before January 12, 2007, and whose claim is based in whole or in part upon any x-ray. To this end, I hereby certify that it is not possible or reasonably practicable to provide an identical copy of the original x-ray material to W.R. Grace. Furthermore, this letter is being sent on behalf of the clients of the following law firms on whose behalf I have submitted certain Questionnaires or Supplemental Questionnaires:

Climaco, Climaco, Lefkowitz, & Garofoli, Co., L.P.A. - aka Climaco, Lefkowitz, Peca, Wilcox & Garofoli Co., L.P.A.  
Michael H. Doran and Associates, PC  
Doran & Murphy, LLP  
Kelley & Ferraro, LLP  
Ferraro & Associates, PA  
David T. Cobb  
Tayllor & Cire - aka Taylor & Cire

Consequently, if W.R. Grace would like to review these x-rays, please contact me directly so that I may make the x-rays available for inspection at the office of Kelley & Ferraro or its co-counsel pursuant to Judge Fitzgerald's Order.

Very truly yours,

KELLEY & FERRARO LLP

A handwritten signature in black ink, appearing to be "T. Wilson", written over the printed name of Thomas M. Wilson.

Thomas M. Wilson

TMW/mp

**THE  
FERRARO  
LAW FIRM**

RECEIVED  
1/12/07

JAMES L. FERRARO\*  
W. SAM HOLLAND  
DAVID A. JAGOLINZER+

4000 PONCE DE LEON BOULEVARD  
SUITE 700  
MIAMI, FLORIDA 33146  
TELEPHONE (305) 375-0111  
TELEFAX (305) 379-6222  
TOLL FREE (800) 275-3332  
[www.ferrarolaw.com](http://www.ferrarolaw.com)

\* ALSO LICENSED IN MA, NY, OH  
+ ALSO LICENSED IN MA  
++ ALSO LICENSED IN IL

LYNN M. SASSO  
DINO G. GALARDI  
CASE A. DAM++  
SALLY M. PRIETO  
JOHN J. CLARK  
BRIAN H. POLLOCK

January 11, 2007

**Via Federal Express**

Barbara M. Harding, Esq.  
Kirkland & Ellis LLP  
855 Fifteenth Street, N.W.  
Washington, D.C. 20005

**RE: In Re: W.R. Grace, Case No.: 01-0139 (JKF)  
Order Regarding X-ray Evidence Dated December 22, 2006**

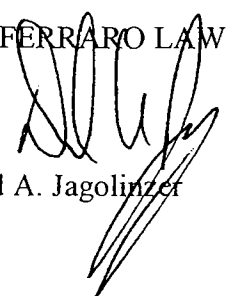
Dear Ms. Harding:

This letter is written in compliance to the December 22, 2006 Order Regarding X-Ray Evidence issued by the Honorable Judith K. Fitzgerald in the above captioned matter. Further, this letter is written on behalf of each and every individual who has a non-mesothelioma malignant claim against W.R. Grace, and on whose behalf I have submitted a W.R. Grace Asbestos Personal Injury Questionnaire or a W.R. Grace Asbestos Personal Injury Supplemental Questionnaire on or before January 12, 2007, and whose claim is based in whole or in part upon any x-ray. To this end, I hereby certify that it is not possible or reasonably practicable to provide an identical copy of the original x-ray material to W.R. Grace.

Consequently, if W.R. Grace would like to review these x-rays, please contact me directly so that I may make the x-rays available for inspection at the office of The Ferraro Law Firm pursuant to Judge Fitzgerald's Order.

Very truly yours,

THE FERRARO LAW FIRM

  
David A. Jagolinzer

## BEVAN & ASSOCIATES LPA, INC.



Bevan Professional Building

10360 Northfield Road

Northfield, Ohio 44067

THOMAS W. BEVAN  
CHRISTOPHER J. STEFANCIK  
DAVID S. BATES  
DWIGHT P. MOTSCO  
PATRICK M. WALSH  
JOHN D. MISMAS  
ANGELA M. HARDWAY  
CINDY L. KOBAL

Akron (330) 650-0088  
Cleveland (330) 467-8571  
Fax (330) 467-4493  
of Counsel  
KEITH D. BEVAN

January 12, 2007

Barbara M. Harding, Esq.  
KIRKLAND & ELLIS LLP  
655 Fifteenth Street, N.W.  
Washington, D.C. 2005

Re: ***In re W.R. Grace & Co., Case No. 01-01139 (JKF)***

Dear Ms. Harding:

This is in response to your letter of January 10, 2007 as well as the Court's Order regarding x-rays. Please be advised that it is not reasonably practicable nor, based on our experience, is it possible to copy any original x-rays in our possession in a manner in which the copy will be identical to the original. I know of no B-reader who can state that a copy of an x-ray is identical and sufficient to perform an accurate B-reading.

We do have in our possession x-ray films for the following clients:

Charles T. Crawford  
Allen Marker  
George E. Raybuck  
Willie D. Sutton

These x-rays are available for inspection at our office at your convenience.

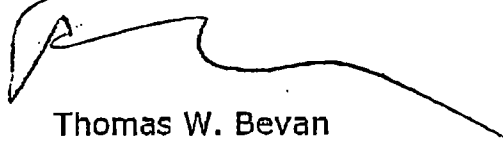
We do not have in our possession x-ray films for the following clients:

Peter Bolcis  
George Goodman  
Thomas E. Holland  
John Hubbard  
Harry Livingood  
Glenn Meese

Donald W. Phillips  
Gary Sutton

I believe this correspondence satisfies the Court's Order and your request for x-ray films. If you would like further information or if you would like to discuss this matter in further detail, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas W. Bevan', with a long horizontal flourish extending to the right.

Thomas W. Bevan

Via Facsimile and  
Regular U.S. Mail

ine

**Bogdan  
Law Firm****Eric Bogdan**  
Attorney At Law

www.bogdanlawfirm.com

January 12, 2007

**FAX # (202) 879-5200**Ms. Barbara M. Harding  
Kirkland & Ellis LLP  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

RE: In re W.R. Grace &amp; Co., Case No. 01-01139 (JKF)

Dear Ms. Harding:

Pursuant to paragraph three of the order, The Bogdan Law Firm does not have the x-rays for the individuals on the attached list. The cases were referred to The Bogdan Law Firm by other law firms that screened/referred individuals for a possible asbestos case. The x-rays for the individuals on the attached list are with the doctor/medical facility who performed the x-rays and/or read the x-rays or with the referring law firm.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to call me at (713) 378-9378.

Very truly yours,



Eric Bogdan

EB:ldm  
Enclosures

(ASBESTOS LITIGATION)  
LAW OFFICES OF  
**G. PATTERSON KEAHEY, P.C.**

ONE INDEPENDENCE PLAZA  
SUITE 612  
BIRMINGHAM, ALABAMA 35209

TELEPHONE (205) 871-0707  
FACSIMILE (205) 871-0801

  
January 12, 2007

EMAIL [info@mesohelp.com](mailto:info@mesohelp.com)  
[www.mesohelp.com](http://www.mesohelp.com)

VIA FACSIMILE, EMAIL TRANSMISSION  
and FIRST CLASS CERTIFIED MAIL

David Bernick, Esq.  
Barbara Harding, Esq.  
KIRKLAND & ELLIS, LLP  
655 15<sup>th</sup> Street, NW, Suite 1200  
Washington, DC 20005-5720

Re: IN RE W.R. GRACE, et al. Case No. 01-01139-JKF  
United States Bankruptcy Court, District of Delaware

Production of X-Rays; Certification of Counsel

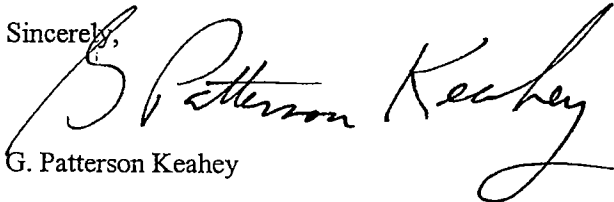
Dear Counsel:

I am writing pursuant to the provisions of paragraph 3 of the "Order Regarding X-Ray Evidence" signed by Judge Fitzgerald on December 22, 2006.

Be advised that I hereby certify that it is not reasonably practicable to obtain the certifications described in paragraph 2 of the "Order Regarding X-Ray Evidence" signed by Judge Fitzgerald on December 22, 2006. Therefore, the Law Offices of G. Patterson Keahey will make the originals of the x-rays covered by the Order available to you for inspection at the offices of G. Patterson Keahey, P.C., in Birmingham, Alabama within 30-days of your demand to inspect them.

Please contact me at your convenience to arrange for the dates and logistics of your inspection.

Sincerely,

  
G. Patterson Keahey

GPk/dp

Cc: Sander Esserman, Esq.  
Nate Finch, Esq.  
Mark T. Hurford, Esq.

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In Re:	)	In Proceedings for a
	)	Reorganization under
W.R. Grace & Co., et al.,	)	Chapter 11
	)	
<u>Debtor.</u>	)	Case No.: 01-1139-JKF

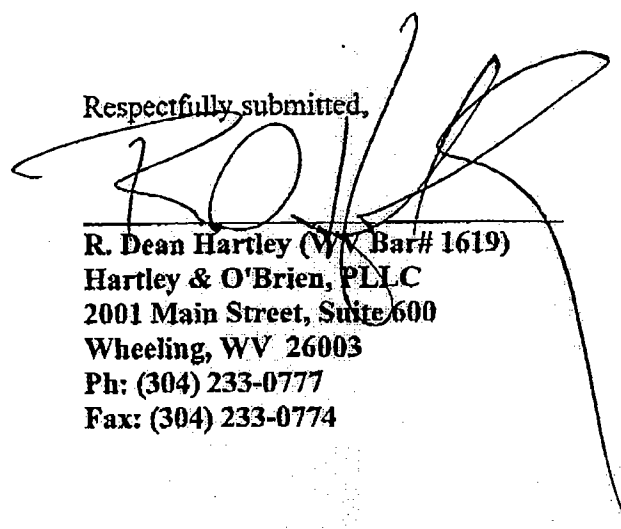
**CERTIFICATION BY CLAIMANTS REPRESENTED BY HARTLEY & O'BRIEN,  
PLLC REGARDING X-RAY EVIDENCE**

Pursuant to the December 22, 2006 Order Regarding X-Ray Evidence, claimants represented by Hartley & O'Brien, PLLC hereby certify that it is not possible or reasonable to obtain the certification described in Paragraph 2 of the Order for the following reasons:

1. On November 21, 2006, counsel for claimants submitted x-rays for claimants on the spreadsheet attached as Exhibit A to Rust Consulting.
2. Counsel for claimants subsequently requested x-rays for claimants listed on Exhibit B.
3. The overwhelming response by hospital or third party providers has been that they no longer possess the x-rays due to a five-year purge policy, which are listed on Exhibit C.
4. As counsel for claimants do not possess copies or originals of the x-rays, it is not possible or reasonably practical to obtain a certification from someone qualified in the appropriate field that any images in the original x-rays which are material to claimants' allegations that the x-rays demonstrates that the cancer is attributable to asbestos appear identically in the copies that have been provided.



Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'R. Dean Hartley', is written over the typed name and address. The signature is fluid and extends across the right side of the page.

R. Dean Hartley (WV Bar# 1619)  
Hartley & O'Brien, PLLC  
2001 Main Street, Suite 600  
Wheeling, WV 26003  
Ph: (304) 233-0777  
Fax: (304) 233-0774

LAW OFFICES  
PETER G. ANGELOS  
A PROFESSIONAL CORPORATION  
ONE CHARLES CENTER  
100 N. CHARLES STREET  
BALTIMORE, MARYLAND 21201-3804  
(410) 649-2000 (800) 252-6622

PAUL M. MATHENY (MD)  
DIRECT DIAL: (410) 649-2014  
FAX: (410) 649-2111

E-MAIL: [pmatheny@lawpga.com](mailto:pmatheny@lawpga.com)

OTHER OFFICES:  
PHILADELPHIA, PENNSYLVANIA  
HARRISBURG, PENNSYLVANIA  
BETHLEHEM, PENNSYLVANIA  
WILMINGTON, DELAWARE  
KNOXVILLE, TENNESSEE

January 12, 2007

Barbara M. Harding, Esq.  
Kirkland & Ellis LLP  
655 Fifteenth Street, N.W.  
Washington, D.C. 20005

Via Facsimile

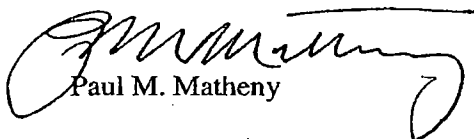
Re: *In re W.R. Grace & Co., Case No. )1-01139 (JKF)*

Dear Ms. Harding:

After consultation with the Senior Account Manager for our x-ray copy service and pursuant to paragraph 3 of the Court's order dated December 22, 2006, concerning x-ray evidence, I am writing to certify that it is not reasonably practicable to obtain the certification described in paragraph 2 of the same order.

PMM/

Sincerely,

  
Paul M. Matheny

CERTIFICATION

RONALD B. GRAYZEL, being duly sworn according to oath certifies as follows:

1. I am licensed to practice law in the State of New Jersey, and I am a partner with the law firm of Levinson Axelrod.
2. My office represents 12 claimants with an asbestos-related cancer other than mesothelioma who are making a claim against W.R. Grace. My office has been attempting to collect the x-rays as requested by Grace. This certification is made on behalf of all of the cancer claimants represented by my office
3. At this time, it is not possible or reasonably practicable to obtain certifications described in Paragraph 2 of the Order Regarding X-ray Evidence for my clients.
4. As described on the attached x-ray status sheet, my office is having substantial difficulty in obtaining the x-ray films themselves.

I hereby certify that the foregoing statements made by me are true and if any of the foregoing statements are willfully false, I am subject to punishment.

  
RONALD B. GRAYZEL

Dated: January 12, 2007

**L LOCKS LAW FIRM**

1500 Walnut Street, 20th Floor  
Philadelphia, Pennsylvania 19102  
T 215.893.0100  
T 866.LOCKSLAW  
F 215.985.2960  
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Michael B. Leh

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January 10, 2007

**VIA FEDERAL EXPRESS**

Rust Consulting, Inc.  
Claims Processing Agent  
Re: W.R. Grace and Company Bankruptcy  
201 S. Lyndale Avenue  
Faribault, MN 55021

Re: X-ray Events for Locks Law Firm Cases

To Whom It May Concern:

Enclosed herewith please find the original chest films for John Mykytyn, pursuant to the Court's Order of December 22, 2006.

I have personally attempted to obtain the chest films for each of the other cases attached to the letter of Barbara McHarding, dated December 28, 2006. None of those x-rays are currently in the possession of the Locks Law Firm nor have we been able to obtain them from the healthcare providers due to the length of time that has transpired. We have been advised that the x-rays have been destroyed.

Respectfully yours,



Michael B. Leh, Esquire

MBL/srs

*Enclosure*

 **COPY**



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January 12, 2007

VIA FACSIMILE AND FIRST CLASS MAIL (202-879-5200)

Ms. Barbara M. Harding  
Kirkland & Ellis  
655 Fifteenth St., N.W.  
Washington, D.C. 20005

RE: In re W.R. Grace & Co.  
Case No. 01-01139 (JKF)

Dear Ms. Harding:

Thank you for your letter of January 10, 2007 in the above-referenced matter. Pursuant to the December 22, 2006 x-ray order, this letter is to notify you that it is not reasonably practicable to obtain the certification described in Paragraph 2, and that our firm will make original x-rays available for inspection in our office as provided in Paragraph 3.

If you have any questions or concerns regarding this, please do not hesitate to contact me at (919) 821-0005.

Sincerely,

J. Michael Riley

JMR:ljs

cc: Nathan Finch, Esq. (via facsimile and mail)



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January 12, 2007

Barbara M. Harding, Esquire  
Kirkland & Ellis LLP  
655 Fifteenth Street N. W.  
Washington, DC 20005

RE: *In re W. R. Grace & Co.*, Case No. 01-01139 (JKF)

Dear Ms. Harding:

I have enclosed a list which summarizes the production of our original x-rays. I hereby certify that it is not possible or reasonably practicable to obtain the certification described in Paragraph 2 of the Court's Order of December 22, 2006. I will make the original x-rays available at my office for inspection, review and copying upon reasonable notice. All x-rays that have the designation "original," are contained in my office.

There are a handful of x-rays that we do not have and they are indicated by a blank space in my summary. We believe that these x-rays are still in the possession of the treating hospital. We have requested that the hospital produce those x-rays. Upon receipt, we will notify you and make them available for inspection.

Thank you for your consideration of this matter.

Yours truly,

Gary W. Kendall

GWK/evf  
Enclosure

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•••••32

January 12, 2007

**VIA FAX (202) 879-5200 and U.S. Mail**

Barbara M. Harding, Esq.  
KIRKLAND & ELLIS LLP  
655 Fifteenth St. NW  
Washington, DC 20005

Re: WR Grace & Co., et al.  
Case No. 01-1139

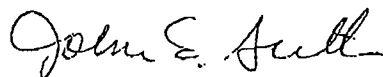
Dear Ms. Harding:

This is regarding the Court Order dated December 22, 2006 requiring that x-rays be provided for the individuals making claims for lung cancer. This firm has in its possession original chest x-rays for 11 of the 24 claimants listed on Attachment A to your December 28, 2006 letter. We will be unable to obtain copies of the x-rays we have in our possession for these 11 claimants by January 30, 2007. We will make them available at this office for inspection by Grace at their request.

As for the remaining 13 claimants on the list, at this time we are unable to determine the location of those claimants' x-rays. If after investigation we locate the x-rays for these 13 claimants and are able to obtain copies of such, we reserve the right to supplement our response to the Court's Order and will send the copies to Grace once they are received.

If you have any questions, feel free to contact me.

Very truly yours,



John E. Sutter

JES/II

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January 12, 2007

## VIA OVERNIGHT MAIL

Barbara Mack Harding, Esq.  
Kirkland & Ellis LLP  
655 Fifteenth St., N.W.  
Washington, D.C. 20005

Re: W.R. Grace & Co., et al., Debtor  
D.Del. Ch. 11 Lead Case No. 01-01139 JKF  
X-Rays

Dear Ms. Harding:

Pursuant to your December 28, 2006 letter, please be advised that Wilentz, Goldman & Spitzer does not keep original client medical records in its files. Accordingly, we are not able to either send same or provide copies along with the type of certification indicated.

We are sending medical release forms to our clients for execution and will forward same upon receipt.

Sincerely,

Deirdre Woulfe Pacheco



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January 11, 2007

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**Via FedEx 8565 2751 3627**

Rust Consulting  
201 S. Lyndale Avenue  
Faribault, MN. 55021

RE: W. R. Grace Bankruptcy  
Chest X-Ray Order

Dear Sirs:

Please be advised, that although we have ordered the chest x-rays for the clients from the list attached to the chest x-ray order, we have yet to received them from the facilities. Please also remember that all medicals have previously been submitted with the questionnaire.

Enclosed please find copies of each of these orders sent to the medical facilities.

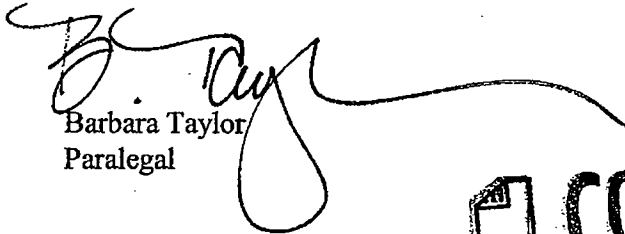
Once they have been received, they will be forwarded on to you for review.

Please also be advised that we have only an original set of x-rays for Albert Battle, Dec'd. These x-rays are available for your review in our offices, under the terms of the *X-Ray Order*.

If you should have any questions, please do not hesitate to contact this office.

Very truly yours,

ROSE, KLEIN & MARIAS LLP

  
Barbara Taylor  
Paralegal

cc: Barbara Harding  
Kirkland and Ellis

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\*CHRISTOPHER P. RIDOUT  
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\*TONI RAYKOVICH

\* DENOTES PROFESSIONAL CORPORATION  
/ ADMITTED ONLY IN SWEDEN

Rust Consulting  
201 S. Lyndale Avenue  
Faribault, MN. 55021

RE: W. R. Grace Bankruptcy  
Chest X-Ray Order

Dear Sirs:

Please be advised, that although we have ordered the chest x-rays for the clients from the list attached to the chest x-ray order, we have yet to receive them from the facilities.

Enclosed please find copies of each of these orders sent to our copy service.

Once they have been received, they will be forwarded on to you for review.


Specifically, for our client, Marion Austin, we have been informed by the Kern Radiology Medical Group that copies are available. The cost is \$475.00 (19 films at \$25.00 per film). Please remit payment to either our firm or Kern Radiology and forward to us. We can then obtain the films for your office.

Please note, Gary Hertig, who appeared on our list, had his case against W. R. Grace dismissed several years ago and Stanley Graydon who appeared on the list is not a cancer claim so the order does not apply.

If you should have any questions, please do not hesitate to contact this office.

Very truly yours,

ROSE, KLEIN & MARIAS LLP

  
Debra Gorman  
Paralegal

cc: Barbara Harding  
Kirkland and Ellis

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January 16, 2007

Brian T. Stansbury  
Kirkland & Ellis LLP  
655 Fifteenth St, NW  
Washington, DC 20005  
Via Regular Mail and Facsimile (202) 879-5200

Re: *In re WR Grace & Co.*  
Case No. 01-01139 (JKF)

Dear Mr. Stansbury:

I am in receipt of your letter of January 11, 2007, to Jeanette M. Gilbert of my office. I also have your attachment to that letter which is a December 28 letter from Barbara Mack Harding which is addressed to "Counsel." Please be advised that the first time Motley Rice LLC received the December 28, 2006 letter was as an attachment to your letter of January 11, 2007.

Paragraph 6 of Judge Fitzgerald's December 22, 2006 Order regarding chest x-rays contemplates that Grace would provide a list of the claims in which it was interested in looking at the chest x-rays. Motley Rice LLC has never been provided with such a list. In your letter, you suggest that my firm's responses to Questionnaires were somehow insufficient to allow Grace to make any determination as to whether or not claimants represented by my firm have x-ray evidence of underlying non-malignant asbestos-related disease to support the causation of their lung cancer and other asbestos-related cancer. This is simply not true. The vast majority of the Questionnaires Motley Rice LLC submitted for non-mesothelioma malignancy cases listed the cause of death in the Questionnaire itself. Grace neglected to review that response in using its "best efforts" to provide a list to my firm.

Further, each of the claims submitted by my firm contained, as an attachment, a "medical profile" which not only listed the disease but it also itemized the medical reports and records which support the claimant's diagnoses. As you well know, the Court has ruled that it is entirely proper for claimants to respond to Grace's Questionnaire by attachment. Apparently, Grace's "best efforts" did not include looking at the medical profile which was attached to each claim filed by Motley Rice LLC.

www.motleyrice.com

Motley Rice LLC  
Attorneys at Law



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Finally, Motley Rice LLC provided, again-as attachments to the Questionnaires, copies of the medical records themselves that support claimants' diagnoses of asbestos-related diseases. These records included x-ray reports, B-reads and pathology reports, where appropriate. It is obvious that what Grace terms its "best efforts" did not include any review of the attachments to the Questionnaires, which Judge Fitzgerald has ruled proper procedure for responding to Grace's Questionnaire.

In sum, it is clear that W.R. Grace did not use its "best efforts" with respect to claims filed by claimants represented by Motley Rice LLC. This is not surprising, given Grace's consistent practice of attempting to force victims of its actions to expend valuable resources in compiling, for Grace, in the precise manner in which it wishes, information which has already been provided to Grace in the form held by the claimants. Accordingly, Motley Rice LLC believes that Grace, having failed to use its "best efforts" as required by paragraph 6 of Judge Fitzgerald's December 22, 2006 Order, has relieved claimants represented by Motley Rice LLC from complying with the balance of that Order.

Notwithstanding Grace's failures outlined above, Motley Rice LLC recognizes that Grace has the right to conduct discovery in the bankruptcy process and re-extends its offer to allow Grace to inspect any chest x-rays held by Motley Rice LLC at our offices at a mutually agreeable time. While this offer was made on a previous occasion, it is being renewed in accord with paragraph 3 of Judge Fitzgerald's December 22, 2006 Order. Also, in light of the fact that claimants represented by Motley Rice LLC are unaware of any process by which copies of a chest x-ray can be made to exactly duplicate an original film, neither claimants nor claimants' counsel are able to provide the certification referenced in paragraph 2 of Judge Fitzgerald's December 22, 2006 Order. Accordingly, please consider this letter to be the certification contemplated by paragraph 3 of the Judge's Order.

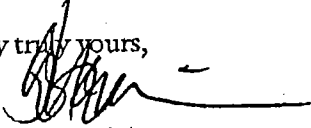
I would further note that medical literature in the area of asbestos-related diseases does not require that in order for one to be diagnosed with an asbestos-related malignancy, one must have underlying non-malignant asbestos-related disease which is visible by chest x-ray or CT scan. As you may know, the non-malignant disease related to asbestos exposure and the malignant disease related to asbestos exposure are two separate and distinct diseases. In other words, one does not necessarily lead to the other. The commonality of the two diseases is that both are caused by asbestos exposure. Further, there is no requirement in the common law that one must have an underlying non-malignant asbestos-related disease in order to make a claim for an asbestos-related malignancy. Accordingly, such documentation is not required in order to hold a valid personal injury claim against Grace.

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If you have any questions about the foregoing, please contact me directly.

With best regards, I am

Very truly yours,

  
John E. Herrick

JEH/js

cc: Jeanette M. Gilbert